

REGULAR COUNCIL MEETING  
September 9, 2019

Members Present: Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor  
James Johnson  
Fred Mays  
Ryan Rudegeair

Members Excused: Michael Dulaney  
Samuel Lyons

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
James Wetzel, Deputy City Manager  
Kevin Anundson, Chief of Police  
Charles Gibbons, Code Enforcement/Zoning Officer  
Sheila Boughner, Community Development Coordinator  
Darla Hawke, Recording Secretary  
Lucas Ruot, Stream TV  
Ashley & James Smith, 1346 Elk Street  
Joseph D Jasiota, 740 Liberty Street  
Ashley Shiwarsky, NLC Service Partners  
Patrick Owoc, Venango County Representative  
Robert Spaynel & Molly Stahlman, 1409 Elk Street  
Brian & Lisa Sanford, 849 Elk Street  
Jen George, NLC Service Line  
Sarah Gallagher, NLC Service Line  
Kara O'Neil, Venango Newspapers, Inc.  
Chris Rossetti, Explore Venango

Mayor Baker called the meeting to order at 7:26 PM.

**ADOPTION OF AGENDA - Resolution No. 106**

Mrs. Fletcher moved to approve the agenda, as presented. Mr. Mays seconded the motion, which passed unanimously.

**APPROVAL OF MINUTES - Resolution No. 107**

Mr. Johnson moved to approve the minutes of the public hearing of August 5, 2019, and the regular meeting of August 5, 2019, as presented. Mr. Rudegeair seconded the motion, which passed unanimously.

**PAY THE BILLS - Resolution No. 108**

Mrs. Fletcher moved to pay the bills as presented. Mr. Rudegeair seconded the motion, which passed unanimously.

**CITIZENS' INQUIRIES**

Mr. Sanford explained that, due to Riverfront Park and the Bike Trail connection being located between 9<sup>th</sup> & 10<sup>th</sup> Streets, lots of children, bicyclists and dog walkers use the intersection of 9<sup>th</sup> & Elk Streets. Residents watch vehicles speed down that block of Elk Street daily in order to catch the green light at the next intersection with 8<sup>th</sup> Street. Mr. Sanford attended the meeting to request a "STOP" sign be placed on Elk Street at Ninth Street as a traffic calming solution for safety reasons.

Mrs. Smith wanted to thank City crews for cutting down some of the hazardous trees located in Bandstand Park.

**CERTIFICATES OF APPROPRIATENESS - Resolution No. 109**

Mr. Rudegeair moved and Mr. Mays seconded a motion to issue a Certificate of Appropriateness to construct a new cupola and enclose one rear door at 1409 Elk Street, as presented, and to issue a Certificate of Appropriateness for a sign at 1241 Liberty Street, as presented. Motion passed unanimously.

**NLC SERVICE LINE PROGRAM PRESENTATION**

Ms. Shiwarsky informed the Council that the PA Municipal League has endorsed the National League of Cities (NLC) Service Line Warranty Program, administered by Utility Service Partners (USP) at no cost to League members. The Program educates homeowners about their service line responsibilities and offers affordable protection from unanticipated service line and in-home plumbing repair costs. Homeowners in participating cities are eligible to purchase low-cost repair service plans for broken or leaking outside water and sewer lines, covering up to \$8,500 per occurrence outside the home and up to \$3,000 per incident inside the home. Customers are provided with a 24/7/365 repair hotline staffed with live agents; and all repairs are performed to local code by rigorously vetted, licensed and insured local contractors. USP will be responsible for all aspects of the program, including marketing, billing, customer service, and performing all repairs. This program is completely optional to all residents, who will receive an introductory letter approved by the City. The only marketing to residents will be by direct mail, again with only letters approved by the City.

In addition, a license fee of \$0.50 per product for each month a product is in force for a property owner will be paid to the City annually for the City logo and name on letterhead, advertising, signature line, billing and marketing materials.

Products include:

- external water service line plan (initially, \$6.75/month)
- external sewer/septic line plan (initially, \$7.75/month)
- interior plumbing and drainage plan (initially, \$9.99/month)

She noted there is a 30-day waiting period once the service is purchased.

Council directed Mrs. Jamieson to work with a company representative on a marketing agreement with the City to indemnify and hold the City harmless. Once it is reviewed by Mr. Spaid, it will be brought back to Council for their approval.

**FRANKLIN PUBLIC ACCESS CHANNEL PRESENTATION**

Mr. Ruot, Owner of Lightning Strike Productions/STREAM Media, advised the Council that they would like to bring local programming back to the Franklin market on Spectrum's PEG Channel, which is currently managed by the City. Their interest in managing the channel is based on a need/want for local programming in Franklin, dependent upon the condition of the equipment stored at the Spectrum office and whether the channel can begin broadcasting immediately or what kind of costs would be involved in getting the channel back on the air.

He explained, if feasible, local programming would include parades, local sporting events, community events, governmental meetings, and other community-related programming using local talent. STREAM TV is willing to work with any local group to create content for the channel; but reserve the right to approve or disapprove any content that is presented to them.

Council then directed Mrs. Jamieson to contact Mr. Chris Thomas, with Charter Communications, and authorize him to speak with Mr. Ruot regarding the signal strength, etc. and to give him permission to evaluate the equipment.

**FINAL READING - BILL NO. 6 - ZONING MAP AMENDMENT (8<sup>TH</sup> & ELK) -**

**Resolution No. 110** - Mr. Spaid read the title of Bill #6, "Zoning Map Amendment (8<sup>th</sup> & Elk)" into the record. He noted there was one change to the Ordinance; 4<sup>th</sup> paragraph: *"WHEREAS, by letter dated June 19, should read September 9, the Venango County Planning commission recommended..."* Mr. Johnson moved and Mr. Mays seconded a motion to pass on Final Reading Bill #6, "Zoning Map Amendment (8<sup>th</sup> & Elk)." Vote was 3-2, with Mr. Rudegear and Mrs. Fletcher voting 'no.' As a majority vote of the 7-member Council is needed, the motion did not pass. Mr. Spaid advised the Council that if they want to vote on this Bill at the next Council meeting in order to give absent Council members an opportunity to vote on the matter, one of the parties who voted 'no' would need to make said motion. A second hearing would also need to be advertised for the second reading.

**Resolution No. 111** - Mayor Baker moved and Mr. Johnson seconded a motion to authorize a second reading of Bill #6, "Zoning Map Amendment (8<sup>th</sup> & Elk)." Motion passed unanimously. *(Further action was taken later in the meeting under the 'Solicitor's Report.')*

**TENTATIVE APPROVAL OF FY-2019 CDBG PROJECTS - Resolution No. 112**

Ms. Boughner presented a number of projects for the City's FY-2019 CDBG Program for tentative approval by the Council.

These included:

|  |          |
|--|----------|
| Street Improvements                          |          |
| 1300 Block of Buffalo Street                 | \$45,560 |
| 14 <sup>th</sup> Street (Liberty to Elk)     | \$20,645 |
| Elk Street (South Park to 11 <sup>th</sup> ) | \$40,040 |

|  |           |
|--|-----------|
| Ninth Street (Liberty to Buffalo)                        | \$22,855  |
| Eagle Street (12 <sup>th</sup> to 15 <sup>th</sup> )     | \$77,892  |
| Associated Costs (advertisement, pavement markings etc.) | \$,3,008  |
| Subtotal for Streets                                     | \$210,000 |
| Clearance and Demolition (Locations to be determined)    | \$34,775  |
| Administration (18%)                                     | \$53,730  |
| Total  | \$298,505 |

Ms. Boughner explained that as the City as a whole is once again eligible for CDBG projects with an area-wide benefit, the streets selected for milling and paving include some of the City's main thoroughfares that have been ineligible since 2014. The proposed funds for clearance and demolition continue the City's ongoing effort to fight blight.

Mr. Rudegeair moved to tentatively approve the projects, as presented, for the City's FY-2019 CDBG Program. Mrs. Fletcher seconded the motion, which passed unanimously.

#### **SCHEDULE SECOND CDBG PUBLIC HEARING - Resolution No. 113**

Ms. Boughner explained that DCED has delayed the CDBG application deadline until Nov. 22, so she recommended moving the final public hearing for the FY-2019 CDBG Program from October to November, to allow more time for completion of the application.

Mr. Rudegeair moved to schedule the second public hearing for the FY-2019 CDBG Program to 7 p.m. Nov. 11, prior to Council's regular meeting. Mr. Johnson seconded the motion, which passed unanimously.

Pending no adverse comments, Franklin City Council is expected to take formal action on the 2019 CDBG application at its regular meeting immediately following the Public Hearing.

#### **CDBG STREET IMPROVEMENTS CHANGE ORDER – TIME EXTENSION – Resolution 114**

Ms. Boughner explained that due to weather-related delays, IA Construction Corp. is seeking a time extension on the CDBG street improvements to June 30, 2020. The project was to be completed by Sept. 20, 2019. She explained that the wet weather has also stymied efforts by the City Street Department and the General Authority to complete necessary storm/water line work on two of the streets prior to the paving. She indicated that the requested delay of the project will still allow plenty of time for its completion within the CDBG timeframe. Mr. Johnson moved to approve the contract extension for Contract 19-B through June 30, 2020. Mr. Rudegeair seconded the motion, which passed unanimously.

#### **AWARD CDBG DEMOLITION CONTRACT – Resolution No. 115**

Ms. Jamieson reported that while the CDBG demolitions were advertised twice and the invitation to bid was sent to 36 contractors, six of whom requested the bid documents, only one bid was received for the demolition of 207 Liberty Street and 327 Pacific Street from Bert Klapac, Inc., in the amount of \$23,394. She noted that the process allowed nearly a month for

contractors to compile their bids and provided for open competition and recommended awarding the contract to the lone bidder, who has reliably completed similar projects for the City in the past, if the solicitor does not object. Mr. Spaid indicated he had no problem with making the contract award. Mrs. Jamieson added that we receive complaints about each of these blighted properties. Mr. Rudegeair then moved and Mrs. Fletcher seconded a motion to award the Demolition of Structures and Site Restoration, Contract No. 19-C, to Bert Klapac, Inc., in the amount of \$23,394. Motion passed unanimously.

**PROCUREMENT POLICY & COST ALLOCATION PLAN - Resolution No. 116**

Ms. Boughner reported that the City has updated its procurement policy and cost allocation plan to reflect the Uniform Guidance at 2 CFR 200, which streamlines and consolidates government requirements for receiving and using federal funds. This Uniform Guidance, covering administration requirements, cost principles and audit requirements, supersedes earlier circulars, and City policies were updated to reflect the new guidance. Mr. Johnson then moved and Mr. Rudegeair seconded a motion to approve these updates to the City's Procurement Policy and Cost Allocation Plan as they pertain to the expenditure of federal funds. Motion passed unanimously.

**SET HALLOWEEN TRICK-OR-TREAT HOURS - Resolution No. 117**

Mr. Rudegeair moved to establish 6-8 PM, on October 31, 2019, as the Trick-or-Treat hours for the City of Franklin. Mr. Mays seconded the motion, which passed unanimously.

**2020 MINIMUM MUNICIPAL OBLIGATION**

Mrs. Jamieson informed the Council of the Minimum Municipal Obligation figures for 2020. They are as follows: Police - \$217,112 • Fire - \$187,180 • Non-Uniformed - \$186,993 for a total of \$591,285.

**PARADE & PARK REQUESTS**

**Resolution No. 118** - Mr. Rudegeair moved and Mrs. Fletcher seconded a motion to approve the following requests:

- September 13, 2019 • Front of Venango County Courthouse • Candlelight Prayer Vigil against Gun Violence • St. John's Episcopal Church
- October 1-6, 2019 • Bandstand & Fountain Parks, 12<sup>th</sup> Street, West Park Street & Liberty Street (October 5-6) • Applefest® 2019 • Franklin Area Chamber of Commerce
- October 31, 2019 • 1200 block of Liberty Street • Trick-or-Treat on Liberty Street • City of Franklin
- November 23, 2019 • Downtown Franklin, Fountain Park & Liberty Street Parade Route • Franklin Light-Up Night • City of Franklin

Ratify

- September 2, 2019 • Venango County Courthouse Steps • Save Our Centers • AFSCME District Council 85

Motion passed unanimously.

**Resolution No 119** - Mr. Mays moved and Mrs. Fletcher seconded a motion to approve the request from Trails to Ales Brewery for use of the alleyway between the Red Bandana and the brewery building as a Wine and Beer Garden on Friday, October 4; Saturday, October 5; and Sunday, October 6, 2019 with the following conditions:

- Use of the alleyway (between Art of Eye Care and Red Bandana) is limited to the hours between noon and 6:00 PM.
- Both adjoining building owners must be in agreement.
- There must be controlled access at each end of the alley, with Trails to Ales solely responsible for access points, customer counts and ID checks. Controlled access must be easy to open in the event of an emergency.
- The Red Bandana is not permitted to block emergency access from its interior door to the alley, which would lower its occupancy load to 49 persons. Trails to Ales is not permitted to block this doorway from the exterior, as well.
- The Wine & Beer Garden is limited to no more than 99 persons at any one time.
- No smoking will be permitted in the Wine & Beer Garden.
- Trails to Ales will be permitted to use standing tables.
- All trash produced will be the sole responsibility of Trails to Ales and the alley will be cleaned up and open to pedestrians by 6:15 PM on all three (3) evenings.
- A proper insurance certificate naming the City of Franklin as an Additional Insured will be supplied by Trails to Ales.

Motion passed unanimously.

**Resolution No 120** - Mrs. Fletcher moved and Mr. Johnson seconded a motion to approve the request from the Franklin Retail Association on December 6-7, 2019 to use an alley on each side of Liberty Street, to be determined by the Chief of Police, and a few parking spots during its "Retail Walk" to sell and load onto vehicles live Christmas trees. Motion passed unanimously.

## REPORTS

### Manager

- **Appointment of Voting Delegate to Pa Municipal League - Resolution No. 121** Mr. Rudegeair moved and Mr. Johnson seconded a motion to appoint Doug Baker as voting delegate to the Pennsylvania Municipal League. Motion passed unanimously.
- **Mid-Block Pedestrian Street Crossing Update** - Reported the contractor is awaiting delivery of the poles to their storage yard. If they arrive this week, they will begin installing them next Monday. Installation will take approximately one day and the poles will be operational as soon as a date can be scheduled with PennDOT to commission the signal.
- **Change Order - Resolution No. 122** - There have been two (2) additional costs to this project due to a storm sewer line being directly under where the new pole on the south side was to go. This required changing the pole's location and re-routing the storm pipe around the pole's foundation. In order to meet ADA rules, the installation of a new

pedestrian stub pole then became necessary due to the slight change in pole location. The additional cost is \$3,700. Mr. Rudegeair moved and Mrs. Fletcher seconded a motion to approve the change order in the amount of \$3,700. Motion passed unanimously.

- **Additional Street Parking on Franklin Avenue** - A resident on Franklin Avenue has requested the City look for ways to add more street parking on their street. Mayor Baker felt this matter should be looked into not only on Franklin Avenue but in other areas of the City as well where parking is at a premium.
- **2020 Budget** - Reported that departmental budget meetings will be starting soon. For those members interested in attending, she will get them the dates and times.
- Will need an executive session to discuss negotiations and potential litigation.

### **Solicitor**

- **Resolution No. 123** - With regard to the previous Zoning Map Amendment vote, Mr. Spaid explained, if there was interest in reconsidering the vote on the second reading of the Zoning Map amendment, one of the individuals who had voted 'no' on the vote would need to make a motion to reconsider the vote. Mr. Rudegeair moved and Mr. Mays seconded a motion to reconsider the vote on Bill #6, "Zoning Map Amendment (8<sup>th</sup> & Elk)." Motion passed unanimously.
- **Resolution No. 124** - Mr. Johnson moved and Mr. Mays seconded a motion to table the vote until the second reading at the October meeting. Motion passed unanimously.
- Mr. Spaid reminded City Council of prior requests made by staff and the public about the installation of certain stop signs. Mr. Spaid was then directed to compose four separate ordinances to place "STOP" signs at the following locations: 11<sup>th</sup> & Elk, heading towards Washington Crossing; 9<sup>th</sup> & Elk, heading towards 8<sup>th</sup> Street; 14<sup>th</sup> & Elk, one with one (1) sign and one with two (2) signs on 14<sup>th</sup> Street.

**Mayor • Appointments** - none.

### **COUNCIL REPORTS**

**Mayor Baker** - no report.

#### **Mr. Johnson**

- Attended the rally for Polk Center on September 2. It was well organized and well attended.

**Mr. Rudegeair** - no report.

#### **Mrs. Fletcher**

- Asked if there was a vehicle noise ordinance that would cover modified exhaust systems on motorcycles. Chief Anundson informed her it would fall under the Vehicle Code as an inspection violation.
- **Resolution No. 125** - Mrs. Fletcher moved and Mr. Johnson seconded a motion to direct the City Manager and Mayor Baker to compose a letter on behalf of the City opposing the closing of Polk Center to the appropriate agencies. Motion passed unanimously.

**Mr. Mays** - no report.

**EXECUTIVE SESSION - Resolution No. 126**

Mr. Rudegear moved to enter into executive session at 9 PM to discuss potential litigation and negotiations. Mr. Mays seconded the motion, which passed unanimously. The executive session ended at 9:15 PM.

**ANY OTHER BUSINESS**

**Resolution No. 127** - A motion was made by Mr. Rudegear to approve the new position of FICDA Maintenance Assistant. The motion was seconded by Mrs. Fletcher and unanimously approved.

**Resolution No. 128** - A motion was made by Mr. Rudegear and seconded by Mr. Johnson to authorize the City Manager and the City Solicitor to negotiate a fiber conduit license agreement with Lumos Networks to cross the 13<sup>th</sup> Street Bridge. Motion passed unanimously.

**ADJOURNMENT**

There being no further business to come before the Council at this time, the meeting was adjourned at 9:16 PM.

Respectfully submitted,

Darla Hawke, Recording Secretary